

AMENDED IN ASSEMBLY JULY 18, 1997

AMENDED IN ASSEMBLY JULY 3, 1997

AMENDED IN SENATE JUNE 3, 1997

AMENDED IN SENATE APRIL 23, 1997

AMENDED IN SENATE MARCH 17, 1997

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**SENATE BILL**

**No. 227**

**Introduced by Senator Solis**

January 30, 1997

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An act to amend Section 22509 of, and to add Sections 22508.5 and 70905 to, the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 227, as amended, Solis. Community colleges: officers and employees.

Existing law permits members of the Public Employees' Retirement System and the State Teachers' Retirement System who are subsequently employed in a position requiring membership in the other system to, upon an election made within 60 days in writing, remain in their initial retirement system.

This bill would permit certain State Teachers' Retirement System and Public Employees' Retirement System members subsequently employed by specified state agencies in positions that would require the individual to become a

member of a different retirement system, to elect coverage in either system within 60 days, in writing. The bill would require the Public Employees' Retirement System to transfer assets to the State Teachers' Retirement System when a member elects to become a member of the State Teachers' Retirement System.

The bill would also permit the Board of Governors of the California Community Colleges and a community college district or publicly funded community college organization to enter into an agreement for the loan or assignment of an employee to or from the chancellor's office, in accordance with specified conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 22508.5 is added to the  
2 Education Code, to read:

3 22508.5. (a) Any person who is a member of the State  
4 Teachers' Retirement System employed by a community  
5 college district who subsequently is employed by the  
6 Board of Governors of the California Community  
7 Colleges to perform duties that require membership in a  
8 different public retirement system, shall be excluded  
9 from membership in that different system if he or she  
10 elects, in writing, and files that election in the office of the  
11 State Teachers' Retirement System within 60 days after  
12 the person's entry into the new position, to continue as a  
13 member of the State Teachers' Retirement System.

14 (b) A member of the Public Employees' Retirement  
15 System who is employed by the Board of Governors of the  
16 California Community Colleges who subsequently is  
17 employed by a community college district to perform  
18 creditable service subject to coverage by this plan, may  
19 elect to have that service subject to coverage by the  
20 Public Employees' Retirement System and excluded  
21 from coverage by this plan pursuant to Section 20309 of  
22 the Government Code.

1 (c) This section shall apply to changes in employment  
2 effective on or after January 1, 1998.

3 SEC. 2. Section 22509 of the Education Code is  
4 amended to read:

5 22509. (a) Within 10 working days of the date of hire  
6 of an employee who has the right to make an election  
7 pursuant to Section 22508 or 22508.5, the employer shall  
8 inform the employee of the right to make an election and  
9 shall make available to the employee written information  
10 provided by each retirement system concerning the  
11 benefits provided under that retirement system to assist  
12 the employee in making an election.

13 (b) Any election made pursuant to subdivision (a) of  
14 Section 22508 or subdivision (a) of Section 22508.5 shall be  
15 filed with the office of the State Teachers' Retirement  
16 System and a copy of the election shall be filed with the  
17 other public retirement system. Any election made  
18 pursuant to subdivision (b) of Section 22508 or  
19 subdivision (b) of Section 22508.5 shall be filed with the  
20 office of the Public Employees' Retirement System and  
21 a copy of the election shall be filed with the office of this  
22 system.

23 (c) Any election made pursuant to Section 22508 or  
24 Section 22508.5 shall become effective as of the first day  
25 of employment in the position that qualified the  
26 employee to make an election.

27 SEC. 3. Section 70905 is added to the Education Code,  
28 to read:

29 70905. (a) The Board of Governors of the California  
30 Community Colleges may enter into an agreement with  
31 any district or publicly funded organization within the  
32 California Community Colleges for the loan or temporary  
33 assignment to the board of governors of a person  
34 employed by any district or publicly funded community  
35 college organization within the system. The temporary  
36 assignment or loan of that employee shall not exceed two  
37 years, except that an extension of two years shall be  
38 authorized when the board of governors finds it necessary  
39 to meet a compelling program or management need. Any  
40 temporary loan or assignment shall be made only with the

1 consent of the employee, under the terms and conditions  
2 agreeable to the employee.

3 (b) The board of governors may enter into an  
4 agreement within any community college district for the  
5 loan or temporary assignment of an employee of the  
6 chancellor's office to any district within the system. The  
7 temporary assignment or loan of that employee shall not  
8 exceed two years, except that an extension of two years  
9 shall be authorized when the district and the board of  
10 governors find it necessary to meet a compelling program  
11 or management need of the district, or a compelling  
12 training need for the board of governors. Any temporary  
13 loan or assignment shall be made only with the consent  
14 of the employee, under the terms and conditions  
15 agreeable to the employee.

16 SEC. 4. Section 20309 is added to the Government  
17 Code, to read:

18 20309. (a) A member of the Public Employees'  
19 Retirement System who is employed by the Board of  
20 Governors of the California Community Colleges and  
21 who subsequently is employed by a community college  
22 district to perform service subject to coverage by the  
23 State Teachers' Retirement System, may elect to retain  
24 coverage by the Public Employees' Retirement System  
25 for that service. An election to retain coverage under the  
26 Public Employees' Retirement System shall be submitted  
27 in writing by the member to the Public Employees'  
28 Retirement System on a form prescribed by the system,  
29 and a copy of the election shall be submitted to the State  
30 Teachers' Retirement System, within 60 days of the date  
31 the member's change in employment is effective.

32 (b) (1) A member who *had been a member of the*  
33 *State Teachers' Retirement System and who* changed  
34 employment and became a member of the Public  
35 Employees' Retirement System on or after July 1, 1991,  
36 but before January 1, 1998, may elect to return to  
37 coverage under the State Teachers' Retirement System  
38 if an election to do so is made in writing to each system  
39 on or before March 1, 1998. *Members who elect to transfer*  
40 *to the State Teachers' Retirement System shall pay, prior*

1 *to retirement, all contributions with respect to service in*  
2 *the Public Employees' Retirement System at the*  
3 *contribution rate for additional service credit in effect at*  
4 *the time of the transfer to the State Teachers' Retirement*  
5 *System.*

6 (2) The Public Employees' Retirement System shall  
7 transfer the actuarial present value of the assets of a  
8 person who makes an election pursuant to this subdivision  
9 to the State Teachers' Retirement System.

10 (3) The Public Employees' Retirement System is not  
11 required to identify and notify members who may be  
12 eligible for the election allowed by this section.

13 (c) Subdivision (a) shall apply to changes in  
14 employment effective on or after January 1, 1998.

